

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

INDYMAC BANK, F.S.B.,

Case No.: 07 cv 6865 (LTS)

Plaintiff,

- against -

NATIONAL SETTLEMENT AGENCY, INC.;  
STEVEN M. LEFF; RACHEL M. LEFF;  
RICHARD A. LEFF; JOHN DOES 1-100,

**DECLARATION OF ERIC  
WEINSTEIN IN SUPPORT OF THE  
ORDER TO SHOW CAUSE FOR AN  
ORDER OF ATTACHMENT AND  
PRELIMINARY INJUNCTION WITH  
TEMPORARY RESTRAINTS  
AGAINST RACHEL LEFF**

Defendants.

Eric Weinstein, pursuant to 28 U.S.C. § 1746, declares and states under penalty of perjury as follows:

1. I am a partner with the firm Feldman Weinstein & Smith LLP, attorneys for plaintiff IndyMac Bank, F.S.B. ("IndyMac"). I submit this declaration in support of IndyMac's *ex parte* application by order to show cause for an order of attachment, preliminary injunction with temporary restraints, and order allowing expedited discovery against Rachel Leff. A proposed order of attachment is annexed as Exhibit A.

2. At the hearing held before the Honorable Kimba M. Wood on August 7, 2007 (pursuant to the prior, August 6th order to show cause against all defendants), IndyMac agreed to forebear, in part, in its request for injunctive relief against defendants Rachel and Richard Leff. Afterwards, IndyMac took the deposition of Richard Leff and subpoenaed J.P. Morgan Chase for documents, some of which have been provided. As outlined below, IndyMac now believes there is ample support for the injunctive relief requested herein against Rachel Leff.

3. The documents indicate that Rachel Leff is the sole signatory on an individual Chase account titled "Rachel M. Leff" no. *(REDACTED)* 5265 (the "5265 Account"). A copy of the signature card and application is annexed as Exhibit B.

4. The monthly statements for the National Settlement Agency Escrow Funding Account show large-scale, online transfers from that account into Rachel Leff's 5265 Account, to wit: \$400,000.00 on May 24, 2007; and \$230,000.00 on June 22, 2007. The pages showing those transfers are annexed as Exhibit C.

5. The monthly statements for the National Settlement Agency Lydian Funding Account show large-scale, online transfers into that account from Rachel Leff's 5265 Account, to wit: \$398,390.00 on June 18 2007; \$346,000.00 and another \$116,000.00 on June 22, 2007; \$18,340.35 and another \$5,000.00 on June 25, 2007; and \$40,000.00 on June 26, 2007. The pages showing those transfers are annexed as Exhibit D.

6. The primary ground for attachment against Rachel Leff is that she resides out-of-state. (CPLR 6201(1); see accompanying memorandum of law). Although the Chase account statements for Rachel Leff's 5265 Account indicate that she resides at 15 Anvil Court, East Hampton, New York, that house appears not to have been her primary residence. According to Richard Leff, (i) the East Hampton house was a summer house, (ii) his brother and sister-in-law (Steven and Rachel Leff) lived in a rental apartment on East 82nd Street in Manhattan, but (iii) they are now involved in a divorce, (iv) Rachel moved to Florida, and (v) Steven is renting an apartment at Trump World Tower in Manhattan. Relevant pages from Richard Leff's deposition transcript are annexed as Exhibit E.

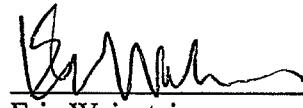
7. Rachel Leff's attorney in the divorce proceeding, Lawrence Morrison, agreed to accept service of the summons and complaint in this action on his client's behalf. Although he

has not agreed to accept service of any subsequent orders, I respectfully request that the Court permit IndyMac to serve the Order to Show Cause through him, while making diligent efforts to serve Rachel Leff until she appears herself or through counsel.

8. Notice of this application for a temporary restraining order has not been given to Rachel Leff because of IndyMac's belief that if such notice were given, she would take efforts to secrete and hide monies entrusted to National Settlement Agency, Inc. that may have been intermingled with her personal assets.

9. IndyMac therefore respectfully requests that this court "so order" the accompanying Order to Show Cause setting a hearing date on IndyMac's application for an order of attachment and preliminary injunction with temporary restraints against Rachel Leff, with service of the papers upon her attorney, Lawrence Morrison.

Dated: New York, New York  
August 16, 2007



Eric Weinstein